

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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ASSOCIATION, INC.;)
COMCAST CABLEVISION OF)
PANAMA CITY, INC.;)
MEDIACOM SOUTHEAST, L.L.C.;)
AND COX COMMUNICATIONS)
GULF COAST, L.L.C.,)

Complainants,)

v.)

GULF POWER COMPANY,)

Respondent.)

MAR 28 2005

Federal Communications Commission
Office of the Secretary

E.B. Docket No. 04-381

To: Office of the Secretary
Attn.: The Honorable Richard L. Sippel
Chief Administrative Law Judge

**RESPONSE OF THE ENFORCEMENT BUREAU TO
GULF POWER'S MOTION FOR EXTENSION OF TIME**

Pursuant to the Presiding Judge's March 18, 2005 Order,¹ the Enforcement Bureau ("Bureau") files this Response to Gulf Power's Motion for Extension of Time.²

The Bureau does not object in principle to the Motion's first request – *i.e.*, that the current discovery deadline in this case be moved to Friday, April 15, 2005.³ Nonetheless,

¹ Order, E.B. Docket No. 04-381 (rel. Mar. 18, 2005) ("Order").

² Gulf Power's Motion for Extension of Time, E.B. Docket No. 04-381 (filed Mar. 23, 2005) ("Motion").

³ Motion at 1; 2, ¶ 6.

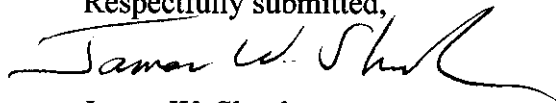
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the Bureau is troubled by Gulf Power Company's ("Gulf Power") failure on its own initiative to seek an extension of the time for filing its discovery responses, as required by section 1.205 of the Commission's rules.⁴ It appears that Gulf Power simply informed complainants' counsel on the day preceding the date the parties' discovery responses were due that it would not timely respond to complainants' discovery requests. Complainants' counsel subsequently requested a conference call with the Presiding Judge, who ordered Gulf Power to file a Motion for Extension of Time.⁵

The Bureau also does not object to Gulf Power's second request – *i.e.*, that the Presiding Judge consider at the March 30, 2005 Prehearing Conference whether to modify the procedural schedule of the case in light of the projected timetable associated with the Osmose, Inc. ("Osmose") Joint Use Audit.⁶ However, the Bureau is unable to opine, on the basis of the Osmose Statement of Work alone, about the appropriateness of modifying the case schedule.

March 28, 2005

Respectfully submitted,



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⁴ 47 C.F.R. § 1.205 ("[E]xtensions of time for making any filing or performing any act required or allowed to be done within a specified time may be granted by the Commission or the presiding officer upon motion for good cause shown . . .").

⁵ Order at 1.

⁶ Motion at 2-3, ¶ 6.

CERTIFICATE OF SERVICE

Makia Day, staff assistant in the Enforcement Bureau's Investigations and Hearings Division, certifies that she has on this 28th day of March, 2005, sent by first class United States mail, facsimile or by hand copies of the foregoing "Response of the Enforcement Bureau to Gulf Power's Motion for Extension of Time" to:

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